

**THE SCOTTISH LEGAL AID BOARD**

**MINUTE OF A MEETING OF THE LEGAL SERVICES COMMITTEE HELD AT 10.30  
AM ON MONDAY 19 DECEMBER 2005 AT 44 DRUMSHEUGH GARDENS,  
EDINBURGH**

Present: Margaret Scanlan (Convener)  
Peter Gray  
Malcolm Thomson  
Graeme McKinstry  
Ian Percy  
Kenneth Ross

In attendance: Tom Murray, Director of Legal Services and Applications  
Douglas Haggarty, Head of Legal Services (Technical) (item 9 only )  
Catriona Whyte, Head of Legal Services (Applications) (items 7-8  
only)  
Marie-Louise Fox, Legal and Policy Support to the Chief Executive  
Stuart Foster, Board Administrator

**1. APOLOGIES FOR ABSENCE**

Jean Couper, Willie Gallagher, Elaine Rosie.

**2. DECLARATIONS OF INTEREST**

No interests not previously registered in the Register of Board Members' Interests were declared.

**3. MINUTE OF MEETING HELD ON 28 NOVEMBER 2005**

The minute of the Legal Services Committee held on 28 November 2005 was approved.

It was noted that Douglas Haggarty had some outstanding actions in relation to reporters and curators (costs in family cases).

**ACTION:JDH**

**4. DRAFT MINUTE OF LEGAL SERVICES SUB-COMMITTEE**

The draft minute of meeting of the Legal Services Sub-Committee held on 28 November October 2005 was noted.

**5. COMMITTEE ACTION POINTS**

The Committee considered a paper by Tom Murray setting out outstanding actions.

It was AGREED:

- the whole topic of reporters, curators and safeguarders be given higher priority; with the

Sheriffs Principal to be approached before any approach was made to the Sheriffs Association.

**ACTION:TCM**

## **6. DIRECTOR'S REPORT**

The Committee considered a paper by Tom Murray updating members on matters of interest since the previous meeting.

It was confirmed that a firm taking on work transferred on the de-registration of a solicitor was entitled to payment in the normal way for the work transferred only – by way of a 50-50 split between the solicitors involved.

The Committee noted the position.

## **7. ADVICE AND ASSISTANCE TEMPLATES: INCREASES IN FUNDING**

The Committee considered a paper by Catriona Whyte which recommended that the existing advice and assistance templates be revised to take into account the recent increases in fees available for advice and assistance.

It was noted that advice and assistance guidance would need to be revised as a result.

It was AGREED:

- the templates be revised as recommended, with the revised guidance to be submitted to the Committee for consideration.

**ACTION: CAW**

## **8. USE OF REPORTERS**

The Committee considered a paper by Catriona Whyte which set out a revised list of the external reporters who considered the merits aspects of civil legal aid applications.

It was AGREED:

- to approve the list as proposed, except in relation to Sheriff Court reporters, in which regard Catriona Whyte would liaise with the Convener.

**ACTION: CAW**

## **9. ADVICE AND ASSISTANCE – CATEGORY CODES**

The Committee considered a paper by Douglas Haggarty which, following a change in the regulations allowing the Board to prescribe whether the subject matter of advice and assistance related to a civil, criminal or children's matter, sought to identify for the guidance of solicitors the separate categories of advice provided at a prison.

It was AGREED:

- to approve the categories identified in the paper, subject to classifying the restoration of driving licences – which should instead be termed “removal of disqualification from driving” - as a criminal matter.

**ACTION: JDH**

**10. DATE OF NEXT MEETING:**

Monday 16 January 2006 at 10.30 am.

The meeting ended at 11.10.